

STATE OF INDIANA) IN THE MARION SUPERIOR COURT
COUNTY OF MARION) SS:
) CAUSE NO:

KELLY SCOTT,)
)
Plaintiff,)
)
v.) JURY TRIAL REQUESTED
)
REVLON, INC., JOHNSON)
& JOHNSON SERVICES, INC.,)
SOFT SHEEN-CARSON, LLC,)
SOFT SHEEN PRODUCTS, INC.,)
NAMASTE LABORATORIES, LLC,)
LUSTER PRODUCTS, INC., AND)
STRENGTH OF NATURE, LLC)
)
Defendants.)

COMPLAINT

Plaintiff Kelly Scott (referred to as “Plaintiff” or “Mrs. Scott”), by and through counsel, for their Complaint for Declaratory Judgment, Specific Performance, and Damages against Defendants Revlon, Inc., Johnson & Johnson Services, Inc., Soft Sheen-Carson, LLC, Soft Sheen Products, Inc., Namaste Laboratories, LLC, Luster Products, Inc., and Strength of Nature, LLC, alleges as follows:

NATURE OF THE ACTION

1. This action arises out of Kelly Scott’s diagnosis of uterine fibroids. Mrs. Scott’s uterine fibroids are a direct and proximate result of a prolonged exposure to phthalates and other harmful chemicals found in Defendants’ hair relaxers.
2. Plaintiff brings this action against Defendants upon information and belief, for claims arising from the result of all Defendants and their agents’ negligent, willful, and wrongful

conduct in connection with the manufacturing, design, distribution, packaging, marketing, testing, promoting, labeling, and/or sale of the products known as Revlon Hair Relaxer, ORS Olive Oil Relaxer, Optimum Salon Haircare, Luster's PCJ Pretty-N-Silky Conditioning Crème Relaxer, Johnson Products Conditioning Crème Relaxer System (together, the "Products").

PARTIES

3. Plaintiff is an individual domiciled at 5209 Michigan Road, Indianapolis, IN 46228.
4. Defendant Revlon, Inc., is a corporation incorporated in New York. Process may be served through its registered agent, Revlon Consumer Products Corporation, located at 55 Water Street, 43rd Fl., New York, NY 10041.
5. Defendant Johnson & Johnson Services, Inc., is a corporation incorporated in New Jersey. Process may be served through its principal place of business, Johnson & Johnson Services, Inc., located at One Johnson & Johnson Plaza, New Brunswick, NJ c/o Registered Agent, CT Corporation System, 334 North Senate Avenue, Indianapolis, IN 46204.
6. Defendant Soft Sheen-Carson, LLC, is a limited liability company with its principal place of business located at 80 State Street, Albany, NY 12207. Process may be served through its registered agent, Corporation Service Company, located at 80 State Street, Albany, NY 12207.
7. Defendant Soft Sheen Products, Inc., is a corporation incorporated in Delaware, and process may be served through its registered agent, Corporation Service Company, located at 251 Little Falls Drive, Wilmington, DE 19808.
8. Defendant Namaste Laboratories, LLC, is a limited liability company with its principal place of business located at 310 S. Racine, 8th Fl., South, Chicago, IL 60607. Process may be served through its registered agent, Illinois Corporation Service Company, located at 801 Adlai Stevenson Drive, Springfield, IL 62703.

9. Defendant Luster Products, Inc., is a corporation incorporated in Chicago, IL, and process may be served through its registered agent, Kimberly A. Palmisano, 3201 Old Glenview Road, Ste. 325, Wilmette, IL 60091.

10. Defendant Strength of Nature, LLC, is a limited liability company with its principal place of business located at 64 Ross Road, Savannah, GA 31405. Process may be served through its registered agent, Karen Snood, 6355 Peachtree Dunwoody Road, Atlanta, GA 30328.

11. At all pertinent times all Defendants were engaged in the development, manufacturing, research, design, testing, sale, and marketing of the Products, and all Defendants introduced such products into interstate commerce with the knowledge and intent that such products would be distributed, sold, and purchased in the State of Indiana.

12. Defendants' defective products were placed into the stream of interstate commerce and were used by Plaintiff beginning in or around 1988, as a child, and continued to be used every six weeks until in or around 2013, when she began going to a professional hairstylist.

RELEVANT FACTS

13. In or around 2013, Plaintiff began noticing changes with her body and her menstrual cycle.

14. Plaintiff and her husband were married and immediately began trying to conceive a child.

15. Plaintiff began suffering from extreme nausea at all times of the day, as well as debilitating headaches and back pain.

16. Plaintiff began noticing a distended abdomen and excessive vaginal bleeding. The pain and bleeding became so excessive that Plaintiff could no longer use tampons and had to sleep with two heating pads on her back and abdomen every night.

17. Plaintiff had to replace more than one mattress due to extensive blood stains.

18. Plaintiff experienced hair loss, lesions on her face, and she became extremely iron deficient.

19. Plaintiff received iron infusions and blood transfusions due to the excessive amount of blood loss.

20. Plaintiff would experience late menstrual cycles for up to two weeks, and individuals began mistaking her for being pregnant, which led her to believe she might be.

21. Plaintiff went to see Dr. Christian Dawes, who ordered an ultrasound. The ultrasound was unsuccessful due to a large mass blocking the view of Plaintiff's uterus. Dr. Dawes ordered an MRI, which revealed a ten-pound, basketball-sized, fibroid in Plaintiff's uterus.

22. Removal of the largest fibroid and several smaller fibroids resulted in a complete hysterectomy, denying Plaintiff the ability to conceive a child.

23. Plaintiff continues to suffer from the emotional distress of not being able to conceive a child, as well as Premenstrual Dysphoric Disorder (PMDD), and lower back muscular and nerve pain.

TOLLING OF THE STATUTE OF LIMITATIONS

Discovery Rule Tolling

24. Plaintiff had no way of knowing about the risk of serious illness associated with the use or and/or exposure to the Products. On information and belief, no Defendant has recalled any of the Products nor made any public statement regarding the inherent health risks associated with use of the Products.

25. Even now, Plaintiff's understanding is that no Defendant has admitted the Products are associated with uterine fibroids, or other conditions, and are presently defending legal action brought by similarly situated plaintiffs in many and varied jurisdictions.

26. Within the time period of any applicable statutes of limitations, Plaintiff could not have discovered, through the exercise of reasonable diligence, that the Products are injurious to human health.

27. Plaintiff did not know of facts that would cause a reasonable person to suspect the risks associated with the use of the Products until informed by her niece that that others with similar injuries from hair relaxers had sought redress in court.

JURISDICTION AND VENUE

28. This Court has subject-matter jurisdiction over this case under Ind. R. Civ. P.4(a) because Plaintiff resides in Marion County.

29. Venue is proper in this District under Ind. R. Civ. P.75(a) because a substantial part of the events giving rise to the claim alleged herein occurred in this District and Plaintiff resides in this District.

COUNTS

I. STRICT LIABILITY

30. The Defendants not only failed to warn Plaintiff of the potential harms of the Products, but Defendants also continued to produce the Products with design and/or manufacturing defects.

II. PRODUCTS LIABILITY UNDER INDIANA CODE 34-20-1, *et seq.*

31. Each of the foregoing allegations are incorporated in this reference as though fully set forth herein.

32. Plaintiff is a user or consumer within the meaning of Indiana Code.

33. Defendants are manufacturers or sellers within the meaning of Indiana Code.

34. Plaintiff has suffered, and continues to suffer, harm caused by the Products.

35. Plaintiff is in the class of persons that Defendants should reasonably foresee as being subject to the harm caused by the Products.

36. Defendant is engaged in the business of selling the Products.

37. The Products were expected to, and did, reach Plaintiff without substantial alteration in the condition in which the Products are sold by Defendants.

38. As a result of the foregoing, Plaintiff has been damaged.

III. DESIGN DEFECT UNDER INDIANA CODE 34-20-4, *et seq.*

39. Each of the foregoing allegations are incorporated in this reference as though fully set forth herein.

40. The Products are defective and were defective at the time the product left Defendants' control.

41. The defect(s) include, but are not limited to, the product was designed with harmful chemicals intended to be placed on the scalp, which would harm the end user, the materials used to create and/or package the product were of an inferior quality, and the product held inadequate warning or instructions regarding its potential dangers.

42. Defendants failed to exercise reasonable care under the circumstances in designing the Products.

43. As a result of the foregoing, Plaintiff has been damaged.

IV. NEGLIGENCE

44. Each of the foregoing allegations are incorporated in this reference as though fully set forth herein.

45. The Defendants not only failed to warn Plaintiff of the potential harms of the Products, but Defendants also continued to produce the Products with design and/or manufacturing defects.

46. The presence of phthalates and other endocrine receptive chemicals that trigger potentially cancerous growths in premenopausal women, substantially increasing the risk of harm, renders the Products unreasonably dangerous when used in the manner it was intended.

47. Defendants owed a duty to all users, especially women of color, being the target audience for the Products, to design a safe product.

48. Plaintiff justifiably relied on Defendants' misrepresentations that the Products were safe to use.

49. Defendants were negligent in their failure to recall the defective Products, allowing them to continue to be used by Plaintiff.

50. As a result of Defendants' acts or omissions, Plaintiff has been damaged.

V. FRAUD

51. Each of the foregoing allegations are incorporated in this reference as though fully set forth herein.

52. The Products are labeled as, by way of example but not limitation, as "nourishing," "protecting," and "moisturizing," for the purpose of deceiving and defrauding consumers such as the Plaintiff.

53. Defendants intentionally concealed and/or suppressed material facts to induce consumers, such as the Plaintiff, to purchase and use the Products.

54. Plaintiff relied on Defendants' misrepresentations proximately causing her damages.

JURY DEMAND

Plaintiff hereby requests this matter to be tried by a jury on all issues so triable.

WHEREFORE, Plaintiff seeks judgment in her favor, and against Defendants, an award of damages in an amount to be determined at trial together with all other relief as is just and proper.

Respectfully submitted,

/s/ Michael J. Bruzzese
Michael J. Bruzzese (33756-49)
12115 Visionary Way, Suite 174
Fishers, IN 46038
Dir: (773) 350-9828
Fax: (317) 458-2086
Email: mbruzzese@smidlaw.com

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E-FILING APPEARANCE BY ATTORNEY IN CIVIL CASE

This Appearance Form must be filed on behalf of every party in a civil case.

1. The party on whose behalf this form is being filed is:

Initiating X Responding Intervening _____; and

the undersigned attorney and all attorneys listed on this form now appear in this case for the following parties:

Name of party Kelly Scott _____

2. Attorney information for service as required by Trial Rule 5(B)(2):

Michael J. Bruzzese (33756-49)
SMID LAW, LLC
12115 Visionary Way
Suite 174
Fishers, IN 46038
Direct PH: (773) 350-9828
Fax: (317) 458-2086
E: mbruzzese@smidlaw.com

3. This is a CT case type as defined in administrative Rule 8(B)(3).

4. This case involves child support issues. Yes No X *(If yes, supply social security numbers for all family members on a separately attached document filed as confidential information on light green paper. Use Form TCM-TR3.1-4.)*
5. This case involves a protection from abuse order, a workplace violence restraining order, or a no – contact order. Yes No X *(If Yes, the initiating party must provide an address for the purpose of legal service but that address should not be one that exposes the whereabouts of a petitioner.)* The party shall use the following address for purposes of legal service:

Attorney's address

The Attorney General Confidentiality program address
(contact the Attorney General at 1-800-321-1907 or e-mail address is
confidential@atg.in.gov).

This case involves a petition for involuntary commitment. Yes No

6. If Yes above, provide the following regarding the individual subject to the petition for involuntary commitment:

a. Name of the individual subject to the petition for involuntary commitment if it is not already provided in #1 above:

1 5 1 _____

c. At least one of the following pieces of identifying information:

(1) Date of Birth _____

(ii) Driver's License Number _____

State where issued _____ Expiration date _____

(iii) State ID number _____

State where issued _____ Expiration date _____

(iv) FBI number

Indiana Department of Corrections Number

• Social Security Number is available and is being

confidential document Yes No

8. Additional information required by local rule:

9. There are other party members: Yes No X (*If yes, list on continuation page.*)
10. This form has been served on all other parties and Certificate of Service is attached:
Yes No X

Respectfully submitted,

SMID LAW, LLC

/s/ Michael J. Bruzzese _____
Michael J. Bruzzese (33756-49)
12115 Visionary Way, Suite 174
Fishers, IN 46038
Direct PH: (773) 350-9828
mbruzzese@smidlaw.com

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SOFT SHEEN PRODUCTS, INC.,)
NAMASTE LABORATORIES, LLC,)
LUSTER PRODUCTS, INC., AND)
STRENGTH OF NATURE, LLC)
)
Defendants.)

To Defendant: **Namaste Laboratories, LLC**
310 S. Racine, 8th Fl., South
Chicago, IL 60607

c/o

Illinois Corporation Service Company
801 Adlai Stevenson Dr.
Springfield, IL 62703

You are hereby notified that you have been sued by the person named as Plaintiff and in the Court indicated above.

The nature of the suit against you is stated in the Complaint which is attached to this Summons. It also states the relief sought or the demand made against you by the Plaintiff.

An answer or other appropriate response in writing to the complaint must be filed either by your or your attorney within twenty (20) days, commencing the day after you receive this Summons, (or twenty-three (23) days if this Summons was received by mail), or a judgment by default may be rendered against you for the relief demanded by Plaintiff.

If you have a claim for relief against the Plaintiff arising from the same transaction or occurrence, you must assert it in your written answer.

2/20/2024



The following manner of service of summons is hereby designated: **Registered or Certified Mail.**

If not so designated, the clerk shall cause service to be made by mail.

Date: February 19, 2024.

Respectfully submitted,

/s/ Michael J. Bruzzese
Michael J. Bruzzese (33756-49)
Smid Law LLC
12115 Visionary Way, Suite 174
Fishers, IN 46038
Direct: (773) 350-9828
Fax: (317) 458-2086
mbruzzese@smidlaw.com

Attorney for Plaintiff

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SOFT SHEEN PRODUCTS, INC.,)
NAMASTE LABORATORIES, LLC,)
LUSTER PRODUCTS, INC., AND)
STRENGTH OF NATURE, LLC)
)
Defendants.)

To Defendant: **Soft Sheen Carson, LLC**
c/o Corporation Service Company
80 State St.
Albany, NY 12207

You are hereby notified that you have been sued by the person named as Plaintiff and in the Court indicated above.

The nature of the suit against you is stated in the Complaint which is attached to this Summons. It also states the relief sought or the demand made against you by the Plaintiff.

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Fax: (317) 458-2086
mbruzzese@smidlaw.com

Attorney for Plaintiff

Marion Superior Court 3

STATE OF INDIANA) IN THE MARION SUPERIOR COURT
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COUNTY OF MARION) SS:
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Plaintiff,)
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SOFT SHEEN-CARSON, LLC,)
SOFT SHEEN PRODUCTS, INC.,)
NAMASTE LABORATORIES, LLC,)
LUSTER PRODUCTS, INC., AND)
STRENGTH OF NATURE, LLC)
)
Defendants.)

To Defendant: **Revlon, Inc.**
Revlon Consumer Products Corporation
55 Water Street
43rd Fl.
New York, NY 10041

You are hereby notified that you have been sued by the person named as Plaintiff and in the Court indicated above.

The nature of the suit against you is stated in the Complaint which is attached to this Summons. It also states the relief sought or the demand made against you by the Plaintiff.

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If you have a claim for relief against the Plaintiff arising from the same transaction or occurrence, you must assert it in your written answer.

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/s/ Michael J. Bruzzese
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Smid Law LLC
12115 Visionary Way, Suite 174
Fishers, IN 46038
Direct: (773) 350-9828
Fax: (317) 458-2086
mbruzzese@smidlaw.com

Attorney for Plaintiff

Marion Superior Court 3

STATE OF INDIANA) IN THE MARION SUPERIOR COURT
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Plaintiff,)
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SOFT SHEEN PRODUCTS, INC.,)
NAMASTE LABORATORIES, LLC,)
LUSTER PRODUCTS, INC., AND)
STRENGTH OF NATURE, LLC)
)
Defendants.)

To Defendant: **Soft Sheen Carson, LLC**
c/o Corporation Service Company
80 State St.
Albany, NY 12207

You are hereby notified that you have been sued by the person named as Plaintiff and in the Court indicated above.

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If you have a claim for relief against the Plaintiff arising from the same transaction or occurrence, you must assert it in your written answer.

2/20/2024



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Respectfully submitted,

/s/ Michael J. Bruzzese
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Smid Law LLC
12115 Visionary Way, Suite 174
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Fax: (317) 458-2086
mbruzzese@smidlaw.com

Attorney for Plaintiff

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LUSTER PRODUCTS, INC., AND)
STRENGTH OF NATURE, LLC)
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Defendants.)

To Defendant: **Soft Sheen Carson, LLC**
c/o Corporation Service Company
80 State St.
Albany, NY 12207

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If you have a claim for relief against the Plaintiff arising from the same transaction or occurrence, you must assert it in your written answer.

2/20/2024



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Date: February 19, 2024.

Respectfully submitted,

/s/ Michael J. Bruzzese
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Smid Law LLC
12115 Visionary Way, Suite 174
Fishers, IN 46038
Direct: (773) 350-9828
Fax: (317) 458-2086
mbruzzese@smidlaw.com

Attorney for Plaintiff

Marion Superior Court 3

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Plaintiff,

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SOFT SHEEN PRODUCTS, INC.,
NAMASTE LABORATORIES, LLC,
LUSTER PRODUCTS, INC., AND
STRENGTH OF NATURE, LLC

)

Defendants.

)

To Defendant: **Strength of Nature, LLC**
64 Ross Road
Savannah, GA 31405

c/o

Registered Agent, Karen Snood
6355 Peachtree Dunwoody Road
Atlanta, GA 30328

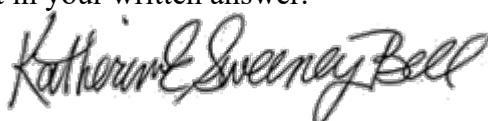
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/s/ Michael J. Bruzzese
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Smid Law LLC
12115 Visionary Way, Suite 174
Fishers, IN 46038
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Fax: (317) 458-2086
mbruzzese@smidlaw.com

Attorney for Plaintiff

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SOFT SHEEN PRODUCTS, INC.,)
NAMASTE LABORATORIES, LLC,)
LUSTER PRODUCTS, INC., AND)
STRENGTH OF NATURE, LLC)
)
Defendants.)

To Defendant: **Johnson & Johnson Services, Inc.**
One Johnson & Johnson Plaza
New Brunswick, NJ 08933

c/o

Registered Agent, CT Corporation System
334 N. Senate Ave.
Indianapolis, IN 46204

You are hereby notified that you have been sued by the person named as Plaintiff and in the Court indicated above.

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2/20/2024

Katherine Sweeney Bell



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Respectfully submitted,

/s/ Michael J. Bruzzese
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Attorney for Plaintiff